



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

CAMP OVERLOOK, INC.

(VPDES Permit No. VA0083305)

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a), between the State Water Control Board and Camp Overlook, Inc., for the purpose of resolving certain violations of environmental laws and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "STP" means sewage treatment plant.

7. "Camp Overlook" and "the Camp" means Camp Overlook, Inc., which owns and operates the Camp Overlook STP.
8. "Facility" and "Plant" mean the Camp Overlook STP located in Rockingham County, Virginia.
9. "VRO" means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.
10. "Permit" means Virginia Pollutant Discharge Elimination System Permit No. VA0088305, which became effective April 15, 2001 and expires April 15, 2006. Permit limits include pH, biochemical oxygen demand ["BOD"], total suspended solids ["TSS"], dissolved oxygen ["D.O.], ammonia and chlorine ["TRC"].
11. "NOV" means Notice of Violation.
12. "Regulation" means the VPDES Permit Regulation 9 VAC 25-31-10 et seq.
13. "MGD" means million gallons per day.
14. "PER" means preliminary engineering report.

SECTION C: Findings of Fact and Conclusions of Law

1. Camp Overlook, Inc. owns and operates the STP serving a church camp and retreat in Rockingham, Virginia, which is the subject of Permit. The Facility discharges treated wastewater to Mountain Run, in the Shenandoah River subbasin and the Potomac River basin.
2. Camp Overlook serves a total population between 10 to 200 people. The Camp is open all year with the highest population during the summer weekends and diminishes during the fall, winter and spring with primarily weekend use. The design capacity of the Facility has been rated and approved as 0.03 MGD.
3. In January 2004 Camp Overlook experienced ammonia violations. Previously, Camp Overlook experienced ammonia violations during July 2003 and in April 2003. Camp Overlook has also experienced ammonia problems in the past.
4. On August 26, 2004, DEQ staff conducted a routine inspection of the Facility. The inspection demonstrated a number of apparent operational and maintenance (O&M) deficiencies and record keeping/reporting deficiencies at the Facility. The deficiencies included failure to operate the Plant in accordance with the O&M Manual and inadequate record keeping and inadequate reporting and testing of the operations and maintenance procedures.

5. Similar reporting deficiencies have been noted in past inspections conducted at the Facility on May 8, 2000 and on August 20, 1998.
6. DEQ issued Notice of Violation No. W2004-09-V-006 on October 4, 2004, to Camp Overlook for ammonia effluent limitation violations during January 2004 and for improper sampling and reporting of discharge data.
7. On October 27, 2004, DEQ met with Camp Overlook in an informal conference to discuss the NOV and ongoing problems with the effluent limitation violations and reporting problems. The October 27, 2004, meeting included discussions of the corrective actions that the Camp had taken to date to address the Facility's problems and the need for a plan and schedule of further corrective actions to return the Facility to compliance with Permit requirements.
8. By letter dated November 24, 2004, Camp Overlook submitted to DEQ a written plan and schedule of corrective actions to return the Facility to compliance with the Permit's requirements. Sections of this plan and schedule have been incorporated into Appendix A of this Order.
9. On November 24, 2004, Camp Overlook retained a contract operator to be in primary responsible charge of day to day operations and maintenance of the Facility.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. § 62.1-44.15(8a), orders Camp Overlook, and Camp Overlook agrees, to perform the actions described in Appendix A of this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Camp Overlook, for good cause shown by Camp Overlook, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves those violations identified herein, including those matters addressed in the Notice of Violations issued to Camp Overlook by DEQ on October 4, 2004 and February 3, 2005. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

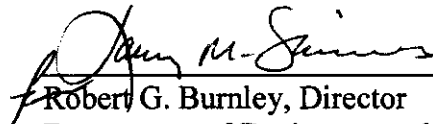
3. For purposes of this Order and subsequent actions with respect to this Order, Camp Overlook admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Camp Overlook consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Camp Overlook declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Camp Overlook to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Camp Overlook shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Camp Overlook shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Camp Overlook shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Director of the Valley Regional Office within 24 hours of learning of any condition above, which Camp Overlook intends to assert will result in the

impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Camp Overlook. Notwithstanding the foregoing, Camp Overlook agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. Camp Overlook petitions the VRO Director to terminate the Order after it has completed all requirements of this Order, and the Regional Director determines that all requirements of the Order have been satisfactorily completed; or
 - b. The Director, his designee, or the Board may terminate this Order in his or its sole discretion upon 30 days written notice to Camp Overlook.Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Camp Overlook from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. The undersigned representative of Camp Overlook certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Camp Overlook to this document. Any documents to be submitted pursuant to this Order shall be submitted by a responsible official of Camp Overlook.
13. By its signature below, Camp Overlook voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of July 5, 2005.


Robert G. Burnley, Director
Department of Environmental Quality

Camp Overlook voluntarily agrees to the issuance of this Order.

By: Ronald K. Robey

Title: Director

Date: March 11, 2005

Commonwealth of Virginia

~~City~~ County of Rockingham

The foregoing document was signed and acknowledged before me this

11th day of March, 2005, by Ronald K. Robey,
(name)

who is Director of Camp Overlook, on behalf of Camp Overlook.
(title)

Kimberley K. Sullenger
Notary Public

My commission expires: July 31, 2005.

**APPENDIX A
SCHEDULE OF COMPLIANCE
CAMP OVERLOOK STP**

1. Camp Overlook shall ensure that the Facility continues compliance with effluent limitations and monitoring and reporting requirements as set forth in the VPDES Permit Number VA0083305 and as part of this requirement shall immediately ensure the following:
 - a. all lab records shall reflect only valid and actual data that represent the procedures and testing completed at any given time;
 - b. all Permit compliance records shall remain on site and be available for inspection at all times;
 - c. all pertinent laboratory data shall be logged on (all) bench sheets at the time the data is collected; and
 - d. all pertinent laboratory equipment and chemicals shall be maintained to ensure accurate results when properly utilized in the performance of laboratory sampling and testing.
2. Camp Overlook shall properly operate and maintain the Facility.
3. **By April 1, 2005**, Camp Overlook shall review and update the O&M Manual and submit revisions to DEQ for review and approval to reflect current operating practices. Camp Overlook shall address any comments on the O&M Manual **within 30 days** of receipt of written comments.
4. CampOverlook shall continue to retain the current Class I licensed contract operator/consultant to be in primary responsible charge of day to day operations and maintenance of the Facility **until, at minimum, November 30, 2005**. After November 30, 2005, Camp Overlook shall have, at minimum, a licensed Class IV wastewater operator in primary responsible charge of the day to day operations and maintenance of the Facility and ensure that a staff of one or more operators are trained to operate and maintain the Facility in compliance with the Permit.

The operator/contract operator/consultant in primary charge of the day to day operations and maintenance shall be responsible for taking the Facility's BOD, TSS, and ammonia effluent samples for the month.
5. Camp Overlook shall submit semi-annual progress reports to DEQ, with the first report being due **July 10, 2005**. Subsequent Progress Reports will be due by **January 10 and July 10** along with the Facility's Discharge Monitoring Report until the cancellation of the Order. The semi-annual progress reports shall contain:

- a. a summary of all work completed since the previous progress report in accordance with this Order.
- b. a projection of the work to be completed during the upcoming period in accordance with this Order; and
- c. a statement regarding any anticipated problems in complying with this Order.